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DITTHAVONG MORI & STEINER, P.C.  
918 Prince Street  
Alexandria, VA 22314

EXAMINER
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LEE, JAE YOUNG

ART UNIT	PAPER NUMBER
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2466

NOTIFICATION DATE	DELIVERY MODE
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11/12/2010

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

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docket@dcpatent.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/567,474	<b>Applicant(s)</b> MICHL, ANDREAS	
	<b>Examiner</b> JAE Y. LEE	<b>Art Unit</b> 2466	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 18 August 2010.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,2,4,6-11,13 and 15-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4, 6-11, 13, and 15-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)                        | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments, see pages 10-11, filed on 18 August 2010, with respect to the rejection of claim 1 under 35 U.S.C. 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Pruthi (US 2002/0105911) further in view of Bahadiroglu (US 2002/0186660) and Bertram et al. (US 6,144,379).

### ***Response to Amendments***

2. Claims 3, 5, 12, and 14 have been canceled.

### ***Claim Objections***

3. Claim 4 is objected to under 37 CFR 1.75 because of the following informalities:  
Claim 4 line 15 recites "thta". It is suggested that applicant changes "thta" to --  
that --.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining

obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

6. **Claim 1, 2, 4, 6-11, 13, 15-18, 20** are rejected under 35 U.S.C. 103(a) as being unpatentable over Pruthi (US 2002/0105911) in view of Bahadiroglu (US 2002/0186660) and Bertram et al. (US 6,144,379).

**For claims 1, 10**, Pruthi discloses a system and method comprising:

- a message analyzer for analyzing messages which are transmitted, the message analyzer comprising (Fig. 1: computer C1; Fig 10: traffic visualizer analyzing network traffic):
- a storage device for storing messages (Fig. 3 318, paragraph 0036: memory to store packets);
- a selector for reading in a sequence of temporally successive messages (paragraph 0034-0036: bit stream is segregated into packets and processor and query engine generating statistics corresponding to the packets stored in memory);

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- a display device for displaying, on a single screen, a first region and one a second region, wherein a the sequence of messages, is read in by means of the selector from the storage device be and displayed in the first region (Fig. 17, Fig. 20; paragraph 0036: processor and query generating and storing statistics corresponding to packets in memory, paragraph 0037: display device for displaying statistics multiple regions on a single screen),
- wherein the selector determines, for the first characteristic feature of the messages which are transmitted (Fig. 16, Fig. 17, Fig. 20: TCP level bit rate; paragraph 0036: processor and query engine generating and storing statistics corresponding to packets in memory) and the a course of this the first characteristic feature is displayed on the display device in the second region (Fig. 16, Fig. 17, Fig. 20: TCP level bit rate; paragraph 0037: display device for displaying statistics multiple regions on a single screen)
- additional item of information stored during storage of messages in the storage device (Fig. 16, Fig. 17: sequence of messages, Fig. 20: TCP level bit rate; paragraph 0036: statistics in memory; paragraph 0037: providing the statistics to display device)

Pruthi discloses all the subject matter of the claimed invention with the exception of at least one service access points from layers of an Open Systems Interconnection (OSI) reference model and end system of a subscriber of a mobile telephone system, whereas Pruthi discloses traffic analyzer to analyze TCP/IP packet flows (Fig. 13, 16, 17, paragraph 0115-0120). Bahadiroglu from the same or similar fields of endeavor

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discloses at least one service access points (Fig.3 32, paragraph 0089: SAP) from layers of an Open Systems Interconnection (OSI) reference model (paragraph 0089: TCP/IP communication through OSI protocol model) and end system of a subscriber of a mobile telephone system (paragraph 0036 line 5: mobile node; paragraph 0073: network is interconnected by lines including fiber optic cables, coaxial lines, wireless connections connected to computer, network server, router, mobile phone etc.).

Therefore, it would have been obvious to the person of ordinary skill in the art at the time of invention was made to incorporate at least one service access points from layers of an Open Systems Interconnection (OSI) reference model and end system of a subscriber of a mobile telephone system of Bahadiroglu to the system and the method of Pruthi, such that TCP/IP communication is analyzed in diverse range of networks including wired and wireless networks interconnected by computer, router through service access point (SAP) of OSI model . The motivation would have been to provide adaptive packet mechanism for optimizing data packet transmission through a connection between the sending node and the receiving node (Bahadiroglu paragraph 0047 lines 1-7).

Pruthi and Bahadiroglu disclose all the subject matter of the claimed invention with the exception of the sequence of messages read in by the selector is dependent upon a selection of a specific point of the course of the first characteristic feature that is selectable in the second region, the display device is configured to display a selectable marking produced automatically by the selector in the second region based on a predefined additional item of information, upon selection of the marking, a sequence of

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messages which corresponds to the specific point of the selected marking is read in from the storage device, whereas Pruthi discloses processor and query engine of traffic visualizer generates and stores statistics, e.g. TCP flows, TCP level bit rate, etc., in memory (Fig. 10, Fig. 16, Fig. 17, Fig. 20, paragraph 0036) and display device displaying the statistics including statistics and plot in multiple regions on the screen (Fig. 16, Fig. 17, Fig. 20, paragraph 0037). Bertram from the same or similar fields of endeavor discloses the sequence of messages read in by the selector (Fig. 4, col 4 lines 12-32, col 5 lines 19-29, 41-49, col 6 lines 35-50: CPU provide obtains or fetches various parameters including memory I/O parameter in associated with % storage capacity, which is stored in database) is dependent upon a selection with which a specific point of the course of the first characteristic feature is selectable in the second region (Fig. 4, col lines 35-50: clicking icon on the line graph indicating % storage capacity on pop up window 101) the display device is configured to display a selectable marking produced automatically by the selector in the second region based on a predefined additional item of information stored during storage of messages in the storage device (Fig. 4, col 4 lines 12-32, col 5 lines 19-24, col 6 lines 16-50: display screen displays, clickable icons produced automatically by system, e.g., CPU, on the line graph of % storage capacity change over a 12 hour periods to show line graph of memory I/O parameter, which is store in memory) upon selection of the marking, a sequence of messages which corresponds to the specific point of the selected marking is read in from the storage device (Fig. 4, col 5 lines 19-24, col 6 lines 45-50: by clicking on icon 103', memory I/O parameter in associated with % storage capacity at 3PM,

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which is stored in a database). Therefore, it would have been obvious to the person of ordinary skill in the art at the time of invention was made to incorporate the sequence of messages read in by the selector is dependent upon a selection of a specific point of the course of the first characteristic feature that is selectable in the second region, the display device is configured to display a selectable marking produced automatically by the selector in the second region based on a predefined additional item of information, upon selection of the marking, a sequence of messages which corresponds to the specific point of the selected marking is read in from the storage device of Bertram into the system and the method of Pruthi and Bahadiroglu, such that the display device displays icons, which are automatically produced by system based on predefined information, e.g., change of statistics during 12 hours time period, on line graph of network traffic, and provides parameters on additional window by clicking the icon. The motivation would have been to provide less cluttered and easier graphical display access to communication networks and particularly to user interactive access for network monitoring and administration purpose (Bertram col 1 lines 38-45).

**For claims 2, 11, Pruthi discloses**

- the selector (paragraph 0036 lines 3-5: processor and query engine generating statistics corresponding to the packets) determines a second characteristic feature for messages which are transmitted, and the a course of the second characteristic feature is displayed on the display device in the second region of the display device (Fig. 20: TCP level packet rate;



paragraph 0037: display device for displaying statistics multiple regions on a single screen)

Pruthi discloses all the subject matter of the claimed invention with the exception of a plurality of service access points of a layer of the OSI reference model, whereas Pruthi discloses traffic analyzer to analyze TCP/IP packet flows (Fig. 13, 16, 17, paragraph 0115-0120). Bahadiroglu from the same or similar fields of endeavor discloses a plurality of service access points (Fig.3 32, paragraph 0089: SAP) of a layer of the OSI reference model (paragraph 0089: TCP/IP communication through OSI protocol model). Therefore, it would have been obvious to the person of ordinary skill in the art at the time of invention was made to incorporate a plurality of service access points of a layer of the OSI reference model of Bahadiroglu to the system and the method of Pruti, such that TCP/IP communication is analyzed in diverse range of networks including wired and wireless networks interconnected by computer, router through service access point (SAP) of OSI model . The motivation would have been to provide adaptive packet mechanism for optimizing data packet transmission through a connection between the sending node and the receiving node (Bahadiroglu paragraph 0047 lines 1-7).

**For claim 4, 13,** Pruthi discloses the system comprising:

- message analyzer for analyzing messages which are transmitted, the message analyzer comprising (Fig. 1: computer C1; Fig 10: traffic visualizer):

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- a storage device for storing messages (Fig. 3: 318: paragraph 0036: memory);
- a storage device for storing messages (Fig. 3: 318: paragraph 0036: memory);
  - a selector for reading in a sequence of temporally successive messages (paragraph 0034-0036: bit stream is segregated into packets and processor and query engine generating statistics corresponding to the packets stored in memory);
  - a display device (paragraph 0037) for displaying, on a single screen, a first region and one a second region, wherein a the sequence of messages, is read in by means of the selector from the storage device be and displayed in the first region (Fig. 17, Fig. 20; paragraph 0036: processor and query generating and storing statistics corresponding to packets in memory, paragraph 0037: display device for displaying statistics multiple regions on a single screen),
  - wherein the selector determines, for the first characteristic feature of the messages which are transmitted (Fig. 16, Fig. 17, Fig. 20: TCP level bit rate; paragraph 0036: processor and query engine generating and storing statistics corresponding to packets in memory) and the a course of this the first characteristic feature is displayed on the display device in the second region (Fig. 16, Fig. 17, Fig. 20: TCP level bit rate; paragraph 0037: display device for displaying statistics multiple regions on a single screen),

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- wherein a sequence of messages is read in from the storage device (Fig. 16, Fig. 17: sequence of messages; paragraph 0036 lines 13-16: statistics in memory; paragraph 0037 lines 8-11: providing the statistics to display device)

Pruthi discloses all the subject matter of the claimed invention with the exception of at least one service access points from layers of an Open Systems Interconnection (OSI) reference model and end system of a subscriber of a mobile telephone system, whereas Pruthi discloses traffic analyzer to analyze TCP/IP packet flows (Fig. 13, 16, 17, paragraph 0115-0120). Bahadiroglu from the same or similar fields of endeavor discloses at least one service access points (Fig.3 32, paragraph 0089: SAP) from layers of an Open Systems Interconnection (OSI) reference model (paragraph 0089: TCP/IP communication through OSI protocol model) and end system of a subscriber of a mobile telephone system (paragraph 0036 line 5: mobile node; paragraph 0073: network is interconnected by lines including fiber optic cables, coaxial lines, wireless connections connected to computer, network server, router, mobile phone etc.). Therefore, it would have been obvious to the person of ordinary skill in the art at the time of invention was made to incorporate at least one service access points from layers of an Open Systems Interconnection (OSI) reference model and end system of a subscriber of a mobile telephone system of Bahadiroglu to the system and the method of Pruti, such that TCP/IP communication is analyzed in diverse range of networks including wired and wireless networks interconnected by computer, router through service access point (SAP) of OSI model . The motivation would have been to provide adaptive packet mechanism for optimizing data packet transmission through a

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connection between the sending node and the receiving node (Bahadiroglu paragraph 0047 lines 1-7).

Pruthi and Bahadiroglu disclose all the subject matter of the claimed invention with the exception of a sequence of messages is dependent upon a selection of specific point of the first characteristic feature that is selectable in the second region, a plurality of specific points are marked by respective markings in the course displayed in the second region and, upon selection of a marking of the markings, a sequence of messages which corresponds to the specific point of the selected marking is read in from the storage device, whereas Pruthi discloses processor and query engine of traffic visualizer generates and stores statistics, e.g. TCP flows, TCP level bit rate, etc., in memory (Fig. 10, Fig. 17, Fig. 20, paragraph 0036) and display device displaying the statistics including statistics and plot in multiple regions on the screen (Fig. 17, Fig. 20, paragraph 0037). Bertram from the same or similar fields of endeavor discloses a sequence of messages (Fig. 4, col 4 lines 12-32, col 5 lines 19-29, 41-49, col 6 lines 35-50: CPU provide obtains or fetches various parameters including memory I/O parameter in associated with % storage capacity, which is stored in database) is dependent upon a selection of specific point of the first characteristic feature that is selectable in the second region (Fig. 4, col lines 35-50: clicking icon on the line graph indicating % storage capacity on pop up window 101), a plurality of specific points are marked by respective markings in the course displayed in the second region (Fig. 4: plurality of icons on window 101) and, upon selection of a marking of the markings, a sequence of messages which corresponds to the specific point of the selected marking is read in

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from the storage device (Fig. 4, col 5 lines 19-24, col 6 lines 45-50: by clicking on icon 103' among the icons, memory I/O parameter is associated with % storage capacity at 3PM, which is stored in a database). Therefore, it would have been obvious to the person of ordinary skill in the art at the time of invention was made to incorporate a sequence of messages is dependent upon a selection of specific point of the first characteristic feature that is selectable in the second region, a plurality of specific points are marked by respective markings in the course displayed in the second region and, upon selection of a marking of the markings, a sequence of messages which corresponds to the specific point of the selected marking is read in from the storage device of Bertram into the system and the method of Pruthi and Bahadiroglu, such that the display device displays multiple icons, which are automatically produced by system based on predefined information, e.g., change of statistics during 12 hours time period, on line graph of network traffic, and provides parameters on additional window by clicking the icon. The motivation would have been to provide less cluttered and easier graphical display access to communication networks and particularly to user interactive access for network monitoring and administration purpose (Bertram col 1 lines 38-45).

**For claim 6, 15,** Pruthi discloses

- the course of the first characteristic feature is displayed in the second region in a coordinate system, wherein the X axis of the coordinate system is a time axis (Fig. 20: plot of TCP level bit rate having time X axis)

**For claim 7, 16,** Pruthi discloses

- the third region (Fig. 17) of the course displayed in the second region which corresponds respectively to the sequence of messages currently displayed in the first region (Fig. 20)

Pruthi discloses all the subject matter of the claimed invention with the exception of highlighting, whereas Pruthi discloses the third region of the course displayed in the second region which corresponds respectively to the sequence of messages currently displayed in the first region (Fig. 17, Fig. 20). Examiner takes official notice that a message highlighted in display is well known. Therefore, it is obvious to one having ordinary skill in the art at the time is able to recognize the information of messaging since highlighting is known to the artisan of ordinary skill as design choice.

**For claim 8, 17,** Pruthi discloses

- the course of the first characteristic feature is displayed in the second region in a coordinate system, wherein the X axis of the coordinate system is subdivided into intervals (Fig. 20; paragraph 0038 lines 6-9: packets divided into sets during one of successive one-second time periods).

Pruthi does not explicitly disclose each having an identical number of messages. However, Pruthi discloses packets divided into sets during one of successive one-second time periods (Fig. 20, paragraph 0038 lines 6-9). Therefore, it is obvious to one having ordinary skill in the art at the time is able to use the identical number of

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messages during sampling time because the packets divided into sets during one of successive one-second time periods. The motivation would have been to improve reliability by monitoring data on the communication line.

**For claim 9**, Pruthi discloses

- the first characteristic feature is a number of transmitted messages per interval of time or a data load or a number of messages transmitted repeatedly (Fig. 20: TCP level bit rate of data stream).

Pruthi discloses all the subject matter of the claimed invention with the exception of a layer of the OSI reference model, whereas Pruthi discloses traffic analyzer to analyze TCP/IP packet flows (Fig. 13, 16, 17, paragraph 0115-0120). Bahadiroglu discloses a layer of the OSI reference model (paragraph 0089: TCP/IP communication through OSI protocol model). Therefore, it would have been obvious to the person of ordinary skill in the art at the time of invention was made to incorporate a layer of the OSI reference model of Bahadiroglu to the method and the system of Pruthi, such that TCP/IP communication is analyzed in diverse range of networks including wired and wireless networks interconnected by computer, router through service access point (SAP) of OSI model . The motivation would have been to provide adaptive packet mechanism for optimizing data packet transmission through a connection between the sending node and the receiving node (Bahadiroglu paragraph 0047 lines 1-7).

**For claims 18, 20**, Pruthi discloses

- test run (Fig 10: traffic visualizer)

Pruthi and Bahadiroglu disclose all the subject matter of the claimed invention with the exception of the predefined additional item of information is defined as a specific event that occurs during a test run, whereas Pruthi discloses test run by using traffic visualizer (Fig. 10, Fig. 17, Fig. 20, paragraph 0036). Bertram from the same or similar fields of endeavor discloses the predefined additional item of information is defined as a specific event that occurs during a test run (Fig. 4, col 4 lines 12-32, col 5 lines 19-24, col 6 lines 16-50: display screen displays, clickable icons produced automatically by system, e.g., CPU, on the line graph of % storage capacity change over a 12 hour periods to show line graph of memory I/O parameter, which is store in memory; the specific event is equivalent to memory I/O parameter to access resources stored). Therefore, it would have been obvious to the person of ordinary skill in the art at the time of invention was made to incorporate the predefined additional item of information is defined as a specific event that occurs during a test run of Bertram into the system and the method of Pruthi and Bahadiroglu, such that the display device displays icons, which are automatically produced by system based on predefined information, e.g., memory I/O parameter, and provides parameters as line graph on additional window by clicking the icon. The motivation would have been to provide less cluttered and easier graphical display access to communication networks and particularly to user interactive access for network monitoring and administration purpose (Bertram col 1 lines 38-45).



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7. **Claims 19, 21** are rejected under 35 U.S.C. 103(a) as being unpatentable by Pruthi (US 2002/0105911) in view of Bahadiroglu (US 2002/0186660) and Bertram et al. (US 6,144,379) as applied to claims 18, 20 above, and further in view of Hilliker (US 2002/0100422).

**For claims 19, 21**, Pruthi discloses

- test run (Fig 10: traffic visualizer)

Pruthi, Bahadiroglu, and Bertram disclose all the subject matter of the claimed invention with the exception of the specific event is a change of attenuation. Bertram discloses display screen displays, clickable icons produced automatically by system, e.g., CPU, on the line graph of % storage capacity change over a 12 hour periods to show line graph of memory I/O parameter, which is store in memory; the specific event is equivalent to memory I/O parameter to access resources stored (Fig. 4, col 4 lines 12-32, col 5 lines 19-24, col 6 lines 16-50). Hilliker discloses the specific event is a change of attenuation (Fig. 5; paragraph 0045 lines 1-10: test output generated by network analyzer for test configuration including a plot of attenuation versus frequency, and a table of values corresponding to the markers on plots). Therefore, it would have been obvious to the person of ordinary skill in the art at the time of invention was made to apply a known technique, e.g., providing attenuation change on plot, to a known device (method or product) ready for improvement to yield predictable results, such that the display device provides clickable icons automatically produced based on the change of attenuation.

***Conclusion***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jae Y. Lee whose telephone number is (571) 270-3936. The examiner can normally be reached on Monday through Friday from 7:30 AM to 5:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Ryman can be reached on (571) 272-3152. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jae Y Lee/  
Examiner, Art Unit 2466

/Daniel J. Ryman/  
Supervisory Patent Examiner, Art  
Unit 2466